UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/AC.46/1998/3/Add.49
7 July 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Intergovernmental working group of experts
on human rights of migrants
Third session
Geneva, 23 - 27 November 1998

INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Submission from the Danish Centre for Human Rights
dated 20 February 1998

GE.98 - 13086

Answers to the questionnaire on human rights of migrants

(Answer 1)

The total Danish population by January 1st 1997 amounted to 5,282,111 of whom 237,695 held a foreign citizenship. 30% (approx. 71,309) of the non-citizens originated from the Nordic countries, EU countries, and North America. The remaining 70% (approx. 166,386) held citizenship in other countries.

(Answer 2)

During 1997 there has not been any measures to strengthen the promotion, protection and implementation of human rights of migrants in Denmark.
Instead a law which most likely is conflicting international human rights laws was proposed at the end of the year 1997, the law is currently being read at the Danish parliament, which is working to pass the law by June 1998.

The Danish Centre of Human Rights had the proposed law submitted, and made among others the following comments to the Ministry of Interior:

The proposed law is violating Danish obligations to international human rights and simultaneously the notes to the law enjoins the Danish public administration to ensure that Denmark is not conflicting the human rights conventions.

The law is not compatible with the European Human Rights Commission article 8 and 12. Furthermore the Danish Centre of Human Rights forsees that the law will discriminate and thereby violate the European Human Rights Commission article 14, in enforcing rules which forbid people who are seeking asylum the right to marry.

The law is breaking the Refugee Convention article 23 and possibly also the UN Convention on economic, social and cultural rights.
So far Denmark has fulfilled the criterias of article 23 of the Refugee Convention by giving refugees the right to recieve social benefit under the same conditions as Danish citizens. With the poposed law this right to recieve social benefit is eliminated, which leads The Danish Centre of Human Rights to find proof of a violation of the Refugee Convention article 23.

(Answer 3)

With regards to manifestations of racism, xenophobia and other forms of discrimination against migrants in Denmark and discrimination against Danish people abroad please see enclosed material (Enclosure no.1).

(Answer 4)

No steps have been taken in Denmark to ratify the following three conventions:

* 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

* International Labour Organisation (ILO) Convention conscerning Migration for Employment (Revised), 1949 (No. 97).

* ILO Convention concerning Migration in Abusive Conditions and the Promotion of Equality of Opportunity and Treatmentof Migrant Workers, 1975 (No. 143).

Secretariat note: the enclosures to the present submission are kept by the Secretariat and are available upon request.